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2

U.S. Meeting with U.N. Committee Against Torture

Opening Remarks

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Mr. Chairman, Distinguished Members of the Committee,
Members of Civil Society and Other Observers,

My name is John Bellinger. I am the Legal Adviser of the Department of State, and I serve as head of the United States delegation to the Committee Against Torture.

Given the constraints of time today and the need to answer the Committee's many questions, I will keep this opening statement brief. I will make a few general comments about our domestic legal framework related to torture, reiterate our international commitments, and provide an overview of our presentation.

At the outset I want to reiterate the United States Government's absolute commitment to upholding our national and international obligations to eradicate torture and to prevent cruel, inhuman, and degrading treatment or punishment worldwide. The President of the United States has made clear that "[t]orture anywhere is an affront to human dignity everywhere" and that "freedom from torture is an inalienable human right." Beyond the protections in our Constitution that Mr. Lowenkron mentioned, the domestic criminal laws in the United States prohibit torture. There are no exceptions to this prohibition. Our Congress has passed laws that provide for tough federal sanctions, both civil and criminal, against those who engage in torture outside the territory of the United States. Within the United States, our 50 states and the federal government prohibit conduct that would constitute torture under their civil and criminal laws.

And our laws have gone further. Our focus on eradicating torture and punishing its perpetrators would be incomplete without a parallel effort to help its victims recover from abuses. The Torture Victims Protection Act of 1992 supplements the Alien Tort Statute so that citizens and non-citizens of the United States who are victims of torture can bring claims for damages

against foreign government officials in U.S. federal courts. Additionally, the Torture Victims Relief Act of 1998 authorizes funding for the U.S. Department of Health and Human Services and the U.S. Agency for International Development to support programs that assist victims of torture, domestically and overseas. The United States continues to lead the world in its support of the United Nations Voluntary Fund for Victims of Torture. U.S. appropriations to the Fund for Fiscal Years 1999-2004 totaled 28.5 million dollars.

And late last year, our Congress enacted, and the President signed into law, the Detainee Treatment Act of 2005. The Act included a provision that codified in law our already-existing policy against the use of cruel, inhuman or degrading treatment as that term defined under the obligations the United States assumed under the Convention. As a result of the law, no person "in the custody or under the physical control of the United States Government, regardless of nationality or physical location" shall be subjected to cruel, unusual, and inhumane treatment or punishment prohibited by certain provisions of the U.S. Constitution. The enactment of the Detainee Treatment Act reinforces our nation's commitment to upholding the values of freedom and humanity on which our Nation was founded.

The United States recognizes the importance of our international legal obligations and the key role this Committee plays in the treaty-monitoring process. The United States greatly appreciates this opportunity to meet with the Committee and to explain the measures we have taken to give effect to the obligations we have undertaken as a State Party to the Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment. The fact that the United States takes its international obligations seriously is reflected in the great lengths to which we have gone to provide you with an extensive report and thorough answers to the many questions you have posed. Our delegation is composed of senior-level officials, representing every federal agency of the United States Government that is directly involved in implementing the Convention, and this further demonstrates our commitment not only to fulfilling our obligations under the Convention, but also to engaging in what we expect will be a productive dialogue with you.

We know that you will have many questions about actions the U.S. Government has taken in response to the terrorist attacks upon our country on September 11 as well as the many allegations that have appeared in the

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5

or punishment in Article 16 of the CAT. There are similar provisions in the law of war.

Moreover, much of the domestic U.S. law that addresses torture and other forms of abuse applies both in both armed conflict and in other situations. For example, our extraterritorial torture statute prohibits torture overseas and applies equally to personnel operating in an armed conflict and to individuals outside such situations. The Uniform Code of Military Justice punishes abuse whether it occurs in an armed conflict or not. The Detainee Treatment Act of 2005 prohibits cruel, inhuman, or degrading treatment or punishment wherever such conduct might occur and applies with respect to both civilian and military authorities.

As a result, while the United States maintains its view that the law of war is the *lex specialis* governing the detainee operations that we will discuss, we are pleased to describe parallel protections afforded under U.S. laws and to provide extensive information about these operations in a sincere spirit of cooperation with the Committee.

We will now begin to answer the questions you have posed to us. In light of time constraints on this oral presentation, it will be impossible for us to reply in detail to every aspect of your wide-ranging questions. In many cases, we will refer you to the more detailed responses we have provided in writing.

Thank you very much.

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